

**PROGRAM OF WORK AND BUDGET  
CONDOMINIUM REVIEW COMMITTEE  
Chair: Mitchell A. Imanaka  
Vice-Chair: Peter Rice**

**FISCAL YEAR 2004**

**RECODIFICATION OF CHAPTER 514A**

- carryover program
- based on Act 213 (2000 SLH) and the 1995 REC report to the Legislature in response to Act 185, Section 4 (SLH 1995) entitled, "A Plan to Recodify Chapter 514A, Hawaii Revised Statutes, Condominium Property Regime"
- research, discuss, exchange, develop report and recommendations; meet and discuss with the various sectors of the condominium community; interact with various state, national, and international organizations and government entities
- provide briefings, updates, and presentations to the condominium community, Administration, including on the REC website, Condominium Bulletin, Real Estate Bulletin, etc.
- administer "Blue Ribbon Panel" consisting of condominium attorneys and members of the condominium community
- conduct public hearings in each county and administer other requirements from the 2003 legislative act
- completion and submission of legislative bill at least 20 days prior to start of the 2004 session, including briefings to Senate CPH Chair and House CPC Chair and other legislators and staff, include in bill continuation of position and funding to provide education to the condominium community on the recodified law and draft any required rule making and develop any required resources

**ADVICE, EDUCATION, AND REFERRAL**

- continuous program
- provide advice, education, and referrals to the condominium community, applicants, consumers, licensees, government officials, organizations,

public, etc.; including research, reproduction, mailing, etc.

- amend, print and distribute copy of §514A, HRS, and Rules to each registered association and registered condominium managing agent
- administer and provide requestors access to review public information and records, including requests for copies; subject to compliance with Uniform Information Practice Act and working with the Office of Information Practices
- collect and provide statistical reports on telephonic, walk-in, and correspondence on the above
- study and report on the feasibility of providing information and advice on telephonic prerecorded messages and providing to e-mail systems including e-government, webpage, etc.
- maintain and improve webpage through internet; consider controlled use of e-mail, include education calendar and condominium database; add section to webpage on most commonly ask questions
- augment delivery of advice, education, and referral, including print, media and community-based interactive efforts ("Condo Moments," "Condo Corner," twp 30-minute PBS broadcasts focusing on current condominium issues)
- study feasibility of a monthly on-line chat discussion with a condominium specialist on pre-selected topics; promoting self governance by providing a forum for associations to network and problem solve together

#### CONDOMINIUM PROJECT AND DEVELOPER'S PUBLIC REPORTS

- continuous program
- administer the registration of condominium projects and the issuance of effective dates for developer's public reports
- continuous evaluation of the process, records, forms, information documents, rules, coordination with other governmental agencies, coordination with attorneys, etc., to ensure a more timely processing and review time, update and amend all project forms and instructions

- administration of condominium consultants, examine contracts and Procurement Law with initiation of any requirements, develop an evaluation system on consultants which includes monitoring and providing reports to REC on each condominium consultants assignments and performance
- review and update checklists, send information and decisions to developers and attorneys on website
- administer and provide public access to review developer's public reports and other project documents, including request for copies; subject to compliance with the Uniform Information Practice Act and working with the Office of Information Practices; continue to administer Condo Log in Pacific Business News; implement plan of providing access to developer's public reports through compact discs, State Library locations, REC webpage, etc.
- continue to compiling and indexing all information/decisions to developers, condominium consultants, and others; including periodic distribution
- plan, develop, and administer any legislative amendments into the registration program; especially Act 237 with the Time Share Administrator
- implement plan of listing of projects with current developer's public reports on REC webpage
- provide quarterly statistics on CPR registration, developer's public reports, and the processing
- implement plan of electronic administration including scanning of documents on CDs and computerized project tracking, utilizing overtime and/or contracted vendors
- study, report, and recommend a comprehensive evaluation system on the registration and review process, including the use of evaluation forms by developers and attorneys

#### **HAWAII CONDOMINIUM BULLETIN**

- continuous program
- developing, writing, editing, low cost printing and distribution of a quarterly bulletin to all registered condominium associations (board of directors) and CMAs; target board of directors and apartment owners in the management of AOAOS;

consider utilizing materials previously developed by REC or others with permission; master education/meeting calendar, pertinent case law review, etc.; plan, develop and provide for guest articles on relevant topics; lead staff member to work with Commissioners to provide an advance plan, deadline dates, and topic outline at least 45 days in advance of distribution deadlines; DISTRIBUTION DEADLINES: 15<sup>TH</sup> of August, November, February and May

- provide copies to registered AOA and CMA as follows:

AOA:	6 - 7 apts	1 bulletin
	8 - 200 apts	7 bulletins
	201 and over apts	11 bulletins
CMA:	7 bulletins	
- provide for one bulletin distribution to include a copy of the amended Chapter 514A, HRS, and one bulletin distribution to include a copy of the amended Chapter 107, HAR, when approved; purchased or reimburse costs to ASO
- upon completion and before printing/distribution, contents of bulletin shall be immediately submitted to the REC website
- administer contract with consultant and all services under the procurement law
- develop plan for in-house electronic publication including software determination and training
- develop and include a survey-evaluation of bulletin plus include surveys from various other programs
- develop article on AOA utilizing technology for self-governance, information, discussion, exchanging, documents, etc.
- study feasibility of either increasing bulletin up to 12 pages with the addition of a developer's section, or a developer's bulletin, or a special webpage for developers

#### CONDOMINIUM MEDIATION AND ARBITRATION PROGRAM

- continuous program
- condominium governance mediation, continue program and administer contracts with condominium mediation subsidy program and training

- initiate and work with Mediation Center of the Pacific to provide educational seminars to board of directors, apartment owners, CMAs on purpose of alternative dispute resolution and mediation, as well as providing training to consultants
- administer consultant contracts; continue to review the demand for additional consultants
- collect data, monitor and consult with arbitration groups including American Arbitration Association and Dispute Prevention and Resolution
- development and collection of information and statistical data for education and annual report purposes, especially mediation under Act 232 (SLH 2001); in addition, provide periodic reports to CRC on material information on each case submitted for subsidy programs which is to be utilized in education programs including Condo Bulletin and REC Webpage
- proactively promote REC funded mediation programs, including the distribution of the condo mediation brochure
- coordinate joint complaint/mediation program with RICO with funding from CEF, see Division and Department Program
- study the feasibility of the CMEF funding the filing of an arbitration

#### CONDOMINIUM ASSOCIATION REGISTRATION

- continuous program
- review and monitor program for improvement of problem areas; records administration; administer biennial registration including fidelity bond requirement; provide statistics periodically
- develop a paperless fidelity bond review process
- outreach program with CMAs and AOAOs for "Steps to a Better Re-registration;" workshops including neighbor island sites; administer re-registration filing deadline and providing numerous advance communications on the deadline
- study, report, and initiate electronic/computerized/Scantron/bar coding application processing recommendations, or computer generated forms with

previous responses for recertification or amendments  
feasibility of internet re-registration process

- plan, develop, and administer any legislative amendments into registration program
- administer public list of all registered AOAOS including pertinent information for distribution upon request subject to copying fees, and via scanning include actual registration forms in REC webpage

**CONDOMINIUM SEMINARS AND SYMPOSIUM**

- continuous program
- produce seminars for the condominium community through contracts with various providers that provide for registration fee subsidies for apartment owners of registered AOAOS; continue to encourage new providers
- administer CRC educational advisory group to provide recommendations and input about CRC educational programs; group to include board members, resident managers, representatives from self managed AOAOS, CMAs, condominium organizations, and educators
- subject to resources and utilizing existing REC educational materials, produce cost effective seminars utilizing public facilities, staff, commissioners and volunteer speakers; no cost to apartment owners of registered AOAOS
- cancellation policy based on minimum early registration requirement, complimentary admission for Commissioners, staff members, RICO staff members
- produce a seminar on reserves, especially the cash flow funding method, collaborate with CAI-Hawaii and any other interested parties
- proactively seek additional consultants, especially on the neighbor islands

**CONDOMINIUM MANAGING AGENTS REGISTRATION**

- continuous program
- with Licensing Branch, administer program, registration procedures, forms, instructions, deadlines, deficiencies, enforcement, fidelity bond, etc. for improvement and problem resolutions

- develop a paperless fidelity bond review process
- administer re-registration program, participate in Batch Renewal Program; work with Licensing Branch for internet re-registration
- listing of all registered CMAs in REC webpage, including information on PB, fidelity bond, and preprinted lists to be available upon request

#### **CONDOMINIUM HOTEL OPERATOR REGISTRATION**

- continuous program
- administer registration program; administer the biennial CHO re-registration program, participate in Batch Renewal Program
- review and recommend amendments to the administration of CHO registration, including forms, information, records management, fidelity bond, review process, etc.
- provide listing of all registered CHOs upon request, including information on PB or not and fidelity bond or not, and include in REC webpage
- determine sources to locate unregistered CHOs, including county records, HVB, advertising, etc.; initiate initial compliance through education
- develop and distribute startup kits for CHOs, similar to CMAs

#### **RULE-MAKING, CHAPTER 107**

- carryover program
- study and evaluate Chapter 107, HAR, and Chapter 514A, HRS, for rule making; research, draft, review/comment by focus groups and other interested parties, informal consultation with Deputy Attorney General, include among others, REC decisions/informal opinions, formal opinions/declaratory rulings, deregulation without reducing consumer protection and reducing use of resources, etc.
- administer formal rule-making process; submit to formal process, notice and formal hearing; upon request, provide a copy of proposed rules; consider including proposed rules and/or hearing notice in REC webpage

- provide informal briefings by staff and/or Commissioner

## **MEETINGS**

- continuous program
- plan, coordinate, and conduct monthly Condominium Review Committee meetings; including arrangement for facilities, agenda, testifiers, and minutes, briefings to Chair and SEO, pre- and post meeting requirements; provide schedule of meetings and agendas to participants and include in REC webpage

## **GOVERNMENT AND LEGISLATIVE PARTICIPATION AND REPORT**

- continuous program
- jointly with ERC and the Real Estate Bulletin, research, develop, print, and distribute annual report to the Legislature on condominium education fund, program of work, budget, and mediation program; immediately upon completion to be submitted to REC webpage DEADLINE TO COMPLETE CONDO REPORT: November 15
- coordinate with Administration, provide briefings to Legislators and staff, act as resource, researching and drafting legislative bills/committee reports, submit testimony, present oral testimony, bill tracking
- respond to elected officials inquiries/complaints/requests for information/etc., including Governor, Lt. Governor, Director, Deputy Director, PVL Administrator, Congressional members, Legislators, Mayors, Council Members, and other government officials, including foreign governments and especially Pacific Rim countries; response to include research, troubleshooting, collaboration, mediation, and drafting response

## **LEGISLATIVE ACTS AND RESOLUTIONS**

- review and carry out responsibilities of Legislative Acts and resolutions, amend public copy of Chapter 514A, provide summary of condominium and related Acts and resolution for REC/staff/bulletin, etc.
- research, draft, and print any reports required by legislative Acts or resolutions or agreement



- amend public copy of Chapter 514A and work with ASO for its publication; study the feasibility of ramseyer format of public copy of Chapter 514A

#### **INTERACTIVE PARTICIPATION WITH ORGANIZATIONS**

- continuous program
- active participation with Hawaii, National, International and Pacific Rim organizations and government agencies for the exchange of information and concerns, sharing of educational and research efforts, joint projects of mutual concern, training, etc. through attendance, membership and participation at local, regional, national and international meetings
- CAI, CAI Hawaii Chapter, HCAAO, HICCO, Condominium Council of Maui, IREM, ARELLO, Hawaii State Bar, Zenkauren (Japan), Condominium Management Center of Japan, etc.
- Commissioner and staff member participants shall actively participate in all communications, attend all pertinent meetings/workshops, and take an assertive role in representing the interests of the Commission, PVLD, DCCA, and the State, especially in all certification programs, participants to provide a written report to Commission/PVLD/DCCA of all participation

#### **NEIGHBOR ISLANDS OUTREACH**

- continuous program
- hold a minimum of three CRC meetings at neighbor island site with ERC and LRRC, Islands of Kauai, Maui, and Hawaii are pre-selected sites and dates; plan for one and one-half day each
- consideration to hold meetings in collaboration with local boards, HAR, condominium organizations, etc.

#### **CONDOMINIUM EDUCATION FUND (CEF)**

- continuous program
- maintenance and review of budget, finance, and records for the Condominium Education Fund (CEF); preparation of quarterly and annual financial statements; preparation of annual budgets; administration of fund investment

- plan and work with DCCA for amendment to budget for funding of recodification program, personnel compensation, and additional education/ research programs subject to revenue projections
- finalize contract approval and initiate administration of the terms of the contract

#### **RULE MAKING, CHAPTER 53, FEES**

- continuous program
- monitor and review services provided in relation to fees, research/study, make recommendations, develop drafts, assist in formal rule making process including public hearing with Licensing Administrator
- administer with Licensing Administrator any submissions through review process, hearing, approval, and implementation

#### **CPR PROJECT WORKSHOP AND MEETINGS**

- continuous program
- research and update CPR project workshop materials
- facilitate periodic workshops (at least two per FY) for consultants' training purposes, new laws and rules orientation, amendments to policies and procedures, amended forms or forms development for consultants, staff and commissioners to ensure consistency and accuracy; with purpose for the consultants, consider consultant alternating as workshop lead and developing curriculum at least 30 days in advance
- orientation/training for new consultants
- facilitate a workshop with developers, attorneys, condo consultants, CMAs, AOA focus groups for purposes of discussion on governance issues and how to address it early the life of a CPR, from initial documents to 1st AOA meeting

#### **CONDOMINIUM SPECIALIST OFFICE FOR THE DAY**

- continuous program
- condominium specialists set up office at various neighbor island locations to meet and discuss condominium concerns with advanced publicity; upon request provide for training to RICO Investigators

- utilized for AOA/CMA/CHO re-registration workshops
- consider a joint program with Real Estate Specialist of the Day program
- consider and collaborate arrangements in conjunction with a function of a condominium organization and/or at a condominium organization office

#### **CONDOMINIUM SPEAKERSHIP PROGRAM**

- continuous program
- subject to resources and approvals, honor requests from condominium organizations, interested groups, colleges or universities, Legislators, government agencies, etc. for participation in some type of program as a speaker or resource concerning condominium issues; participant includes Condominium Specialist, Supervising Executive Officer, Executive Officer, or Commissioner

#### **NEW TECHNOLOGY PROGRAM**

- continuous program
- administration of in-house and network system, coordination with DCCA's coordinator, training of staff, purchases of hardware and software, programming, etc.
- utilize laptop computer with screen projection at meetings, symposiums, training, speakership, etc.
- utilize scanning for website, storage of public information, and other programs; develop CD ROM PC for review and use of educational materials and courses by the public
- continue the electronic storage, review, and printing of condominium project, public reports, association registration, etc. public information
- administer webpage with long range plan of including all condominium information, forms, database, etc. plus online registrations
- work with DCCA and PVL on plans on technology, computer systems, network, etc. including joint venturing on projects and purchases
- feasibility and purchase of fax on demand services for applicants, registrants, licensees, and the

public, which will include all applications, instructions, info sheets, etc.

- feasibility of purchasing a wireless PC-based telephone conferencing equipment to facilitate participation in neighbor island condominium community and developers

#### **CASE LAW REVIEW PROGRAM**

- continuous program
- monitor, collect, and report on judgements and decisions on Hawaii court cases, federal court cases, and other states court cases; material cases to be considered for Condo Bulletin; report on governance case studies

#### **START-UP KIT FOR NEW AOAOS AND NEW CMAS**

- continuous program
- distribute start-up kit to new condominium AOAOS and new CMAS; to include copy of §514A, rules, budget and reserves guide, board of director guide or brochures, past condominium bulletins, etc. with 3 ring binder
- including the reprinting of any necessary product

#### **RECORDS MANAGEMENT**

- continuous program
- administer and organize all records (paper and computer files), reference materials, reports, minutes, legislation, rules, AG opinions, contracts, etc.; consider distribution of expired records
- consider EH or consultant, or special training for staff
- administration of Records Report System and Uniform Information Practices Act with consultation with the Office of Information Practices; user friendly access to public information
- research options/alternatives for records storage (computer, scanning, optic readers, microfilm, etc.) and public information provided via local E-mail systems or e-government site, including capability of making own copies

- scan and provide electronic storage of records, including minutes

#### **COOPERATIVE EDUCATION, RESEARCH, AND ADMINISTRATIVE PROGRAM**

- continuous program
- actively participating and sponsor cooperative education research, and administrative programs for those Departments, Divisions, Branches that provide direct or indirect services

#### **DIVISION AND DEPARTMENT PROGRAM**

- continuous program
- coordinate activities and programs of mutual concern with PVL, RICO, and DCCA; Director's project on deregulation
- review, analyze, and coordinate positions on Chapter 436B as it relates to Chapter 514A with PVL and AG's Office, especially self-executing provisions
- coordinate and work with RICO on joint program on governance/management complaints and mediation, unified position/voice; see Condominium Mediation and Arbitration Program

#### **STAFF AND COMMISSIONERS DEVELOPMENT**

- continuous program
- development and training of REB staff and Commissioners for better administration of the condominium programs and issues
- assist in amendments to REC Reference Book by researching and drafting amendments relative to CRC and its programs
- participate in training of staff and commissioners as provided by CAI, ARELLO, REEA, CLEAR, and other organizations

#### **CONDOMINIUM REFERENCE LIBRARY**

- continuous program
- develop and continue to provide materials for a condominium reference library at public libraries (State Library System and Makiki Library), REC office, mediation services offices and possibly institutions of higher learning, especially on the

neighbor islands, stocked with purchased referenced materials, REC and HREREC materials; purchase and donate to specified public libraries condominium reference material, with REC name and CEF, and REC to initiate list of reference material and where located for associations; study and report on the feasibility of increasing and adding new educational materials at libraries, especially in high CPR concentrated areas, collaborate with CAI-Hawaii, and consider a internet reference library system including links with REC webpage and possible licensing arrangements with national providers such as CAI

- continuous publicity program upon development of reference library
- study and report on usage of condominium reference library materials at the State Library System and REC office
- develop and continue to maintain in REC webpage a catalog of all public reference materials provided to State Libraries and at REB office
- update all condominium library reference materials including board of directors chapters and its printing